

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| PAINTERS DISTRICT COUNCIL NO. 58, et al., ¹ |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | No. 4:17 CV 1271 JMB |
| |) | |
| |) | |
| JOHNED, INC. and EDWARD BENSON, |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on the parties' Stipulation and Order (ECF No. 49).

The parties request that the Court issue an Order directing Garnishee Jefferson Bank and Trust Company ("Garnishee") to release the funds in the certificate of deposit bearing account number 713761 which had a balance of \$15,378.19 as of July 18, 2019, ("CD").

In the Answers to Interrogatories, Garnishee acknowledged holding a certificate of deposit owned by Defendant/Judgment Debtor Edward Benson ("Benson") and Painters District Council No. 2, as tenant-in-common, in the amount of \$15,378.19, as of July 18, 2019. (ECF No. 47 at ¶ 1) Benson filed a Verified Claim of Exemption, asserting an exemption of \$1,850 pursuant to §§513.430.1(3) ("wildcard") and 513.440 ("head of household"), with respect to the

¹ Plaintiffs are Painters District Council No. 58, Gregg Smith, *in his capacity as Business Manager of Painters District Council No. 58*, St. Louis Painters Pension Trust, St. Louis Painters Welfare Trust, St. Louis Painters Vacation Trust, Painters District Council No. 2 Apprenticeship and Journeyman Training Trust, *by and through*, Gregg Smith, David Doerr, Rich Lucks, Joseph F. Mueller, Carl Farrell, Donald Thomas, Daniel Wienstroer, Michael Smith, Walter Bazan, Jr., Steve Phillipp, Jr., Mark Borgmann, Dane McGraw, Joseph Keipp, Tim Weis, Fred Phillipp, Jr., *in their capacities as trustees* (collectively referred to as "Plaintiffs").

garnishment as claimed (ECF No. 42). Plaintiffs agree that Benson's Verified Claim of Exemption is proper and note that no person has filed an objection to or otherwise challenged Benson's exemption claim.

The parties request that the Garnishee distribute all of the proceeds of the CD as follows: (1) Garnishee shall release \$1,850.00 to Benson, in cash, upon presentation of identification and execution of an agreed upon Receipt in the form of Exhibit A (ECF No.49 at 4); and (2) Garnishee shall tender the remaining balance to Plaintiffs/Judgment Creditors. The parties further agree that the distribution of the proceeds by Garnishee to Benson shall be in cash delivered at Garnishee's main location at 2301 Market Street, St. Louis, Missouri, 63103, by appointment made in advance with either John Dulle or Bradley Locke (phone number 314-621-0100; and to Plaintiffs/Judgment Creditors by check payable to "St. Louis Painters Benefits Funds," and forwarded by U.S. Mail, postage prepaid, to Matthew J. Gierse, Hartnett Reyes-Jones, L.L.C., 4399 Laclede Avenue, St. Louis, Missouri, 63108. Accordingly,

IT IS HEREBY ORDERED that the parties' Stipulation and Order (ECF No. 49) is APPROVED.

IT IS FURTHER ORDERED that Garnishee Jefferson Bank and Trust Company shall release \$1,850.00 to Edward Benson, in cash, upon presentation of identification and execution of an agreed upon Receipt in the form of Exhibit A (ECF No.49 at 4).

IT IS FURTHER ORDERED that Garnishee Jefferson Bank and Trust Company shall tender the remaining balance to Plaintiffs/Judgment Creditors as set forth above.

IT IS FURTHER ORDERED that Plaintiffs' Motion for Pay-In Order (ECF No. 48) is
DENIED AS MOOT.

Dated this 20th day of August, 2019.

/s/ John M. Bodenhausen
JOHN M. BODENHAUSEN
UNITED STATES MAGISTRATE JUDGE